



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q63719

Takayuki KOGANEYA

Appln. No.: 09/817,048

Group Art Unit: 3676

Confirmation No.: 9193

Examiner: Suzanne Lale Dino BARRETT

Filed: March 27, 2001

For: PRODUCT ORDERING SYSTEM AND PRODUCT ORDERING METHOD

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Yoshiomi Morisawa, Hiromichi Iwata and Haruo Sotoyama: "Bunsan shori shisutemu no shori moderu no ichi teian," (A proposal for a processing model for distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 17 May 1996, Vol. 96, No. 41, pages 17-24
2. Yoshiomi Morisawa and Koji Torii: "Bunsan shori shisutemu no aakitekucha stairu," (Architecture and style of distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 19 March 1999, Vol. 99, No. 28, pages 9-16

**RECEIVED**

**FEB 25 2004**

**GROUP 3600**

INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 09/817,048

3. Japanese Unexamined Patent Application Publication H11-134401, published May 21, 1999.
4. Shinichi Morikawa and Toru Moriyama: "Riyou kakudai ni tomonau yottsu no kanmon wo, tsuuru ya saabisu no riyou de norikoeru,"(Using tools and services to overcome the four barriers to expansion of us) Nikkei Open Systems, Japan, Nikkei BP-sha, 15 October 1999, No. 79, pages 124-133
5. Yuichi Sakaguchi and Hiroyuki Sugiyama: Special Edition "Netto sooshingu,"(Net-sourcing) is expanding. Nikkei Computer, Japan, Nikkei BP-sha, 6 December 1999, No. 484, pages 166-181
6. Shinichi Morikawa and Nozomu Inoue: "aakitekuchasasshin ni idomi, henka ni tsuyoi shisutemu wo mezasu,"(Taking up the challenge of architectural innovation and aiming at a system that is robust in the face of change) Learning 21st Century IT Techniques in 30 Keywords. Japan, Nikkei BP-sha, 1 March 2000, pages 162-173

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses here with a copy of a corresponding Japanese Office Action dated December 16, 2003 and an English translation of the pertinent portions

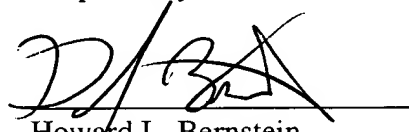
INFORMATION DISCLOSURE STATEMENT  
U.S. Appln. No.: 09/817,048

thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

  
Howard L. Bernstein  
Registration No. 25,665

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: February 20, 2004



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**STATEMENT UNDER 37 C.F.R. § 1.97(e)**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

  
Howard L. Bernstein  
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(Decision regarding inventive step)

Referring to the description of Figure 3 of Cited Literature 1, it is indicated that, in the processing model, an arrangement is adopted whereby the processing results from the server (DM2) are returned to the client. The applicant has the results returned to the client without going through processing on the server (DM1). However, these arrangements are encompassed in the features that could be designed in whatever way as appropriate for the task, etc., by a person skilled in the art.

For reference, two-level operating systems of the sort described in the present application are in themselves a generally known arrangement and a widely employed form. (The well-known literature indicated below can be referred to.)

Furthermore, configuring such systems such that the results of processing performed on an order-taker's and vendor's computer will be returned to the client side is an obvious matter. (This is obvious for instance from Figure 4 of Well- Known Literature 4 indicated below.)

Therefore, the arrangements of the claims of the present application are all encompassed within the well-known art, and thus could be arbitrarily implemented by addition, adaptation, etc. of the features described or suggested in the cited literature and of the well-known art. The effect asserted by the applicant is also within the scope of effect fundamentally provided by the art in question. Thus, the applicant's assertion cannot be accepted.

(Cited Literature)

1. Yoshiomi Morisawa, Hiromichi Iwata and Haruo Sotoyama: "*Bunsan shori shisutemu no shori moderu no ichi teian*," (A proposal for a processing model for distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 17 May 1996, Vol. 96, No. 41, pages 17-24
2. Yoshiomi Morisawa and Koji Torii: "*Bunsan shori shisutemu no aakitekucha stairu*," (Architecture and style of distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 19 March 1999, Vol. 99, No. 28, pages 9-16
3. Japanese Unexamined Patent Application Publication H11-134401

(Reference literature showing the well-known standard)

4. Shinichi Morikawa and Toru Moriyama: "*Riyō kakudai ni tomonau yottsu no kanmon wo, tsuru ya saabisu no riyō de norikoeru*," (Using tools and services to overcome the four barriers to expansion of us) Nikkei Open Systems, Japan, Nikkei BP-sha, 15 October 1999, No. 79, pages 124-133
5. Yuichi Sakaguchi and Hiroyuki Sugiyama: Special Edition "*Netto sooshingu*," (Net-sourcing) is expanding. Nikkei Computer, Japan, Nikkei BP-sha, 6 December 1999, No. 484, pages 166-181
6. Shinichi Morikawa and Nozomu Inoue: "*aakitekuchasashin ni idomi, henka ni tsuyoi shisutemu wo mezasu*," (Taking up the challenge of architectural innovation and aiming at a system that is robust in the face of change) Learning 21<sup>st</sup> Century IT Techniques in 30 Keywords. Japan, Nikkei BP-sha, 1 March 2000, pages 162-173

Substitute for Form 1449 A &amp; B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number	09/817,048
Confirmation Number	9193
Filing Date	March 27, 2001
First Named Inventor	Takayuki KOGANEYA
Art Unit	3676
Examiner Name	Suzanne Lale Dino BARRETT
Attorney Docket Number	Q63719

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US			
		US			
		US			
		US			
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	H11-134401	A	05-21-1999		No

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		Yoshiomi Morisawa, Hiromichi Iwata and Haruo Sotoyama: "Bunsan shori shisutemu no shori moderu no ichi teian," (A proposal for a processing model for distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 17 May 1996, Vol. 96, No. 41, pages 17-24	
		Yoshiomi Morisawa and Koji Torii: "Bunsan shori shisutemu no aakitekucha stairu," (Architecture and style of distributed processing systems) Joho Shori Gakkai Kenkyu Hokoku, Information Processing Society of Japan, 19 March 1999, Vol. 99, No. 28, pages 9-16	
		Shinichi Morikawa and Toru Moriyama: "Riyoo kakudai ni tomonau yottsu no kanmon wo, tsuuru ya saabisu no riyoo de norikoeru," (Using tools and services to overcome the four barriers to expansion of us) Nikkei Open Systems, Japan, Nikkei BP-sha, 15 October 1999, No. 79, pages 124-133	
		Yuichi Sakaguchi and Hiroyuki Sugiyama: Special Edition "Netto sooshingu," (Net-sourcing) is expanding. Nikkei Computer, Japan, Nikkei BP-sha, 6 December 1999, No. 484, pages 166-181	
		6. Shinichi Morikawa and Nozomu Inoue: "aakitekuchasasshin ni idomi, henka ni tsuyoi shisutemu wo mezasu," (Taking up the challenge of architectural innovation and aiming at a system that is robust in the face of change) Learning 21st Century IT Techniques in 30 Keywords. Japan, Nikkei BP-sha, 1 March 2000, pages 162-173	

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.